

# House File 99 - Introduced

HOUSE FILE \_\_\_\_\_  
BY STRUYK, WINDSCHITL, FORRISTALL,  
SCHULTZ, ALONS, DRAKE, RAYHONS,  
HEATON, and HORBACH

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act establishing a child endangerment offense for the mother  
2 of a newborn child who caused an illegal drug to be present in  
3 the newborn child's body, and providing a penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1689YH 83  
6 jp/nh/5

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1 1 Section 1. Section 726.6, subsection 1, Code 2009, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. i. By act or omission a newborn child's  
1 4 mother caused an illegal drug to be present in the newborn  
1 5 child's body and the drug's presence is a direct and  
1 6 foreseeable consequence of the act or omission. Unless the  
1 7 presence of the illegal drug caused death or serious injury to  
1 8 the newborn child, the drug's presence shall be considered to  
1 9 have caused bodily injury to the newborn child. For the  
1 10 purposes of this paragraph, "newborn child" means an infant  
1 11 who is three days of age or younger.

1 12 Sec. 2. Section 726.6, subsection 6, Code 2009, is amended  
1 13 to read as follows:

1 14 6. A person who commits child endangerment resulting in  
1 15 bodily injury to a child or minor or child endangerment in  
1 16 violation of subsection 1, paragraph "g" or "i", that does not  
1 17 result in a serious injury, is guilty of a class "D" felony.

### EXPLANATION

1 19 This bill provides a new child endangerment offense under  
1 20 Code section 726.6. The new offense applies to an act or  
1 21 omission by the child's mother that caused an illegal drug to  
1 22 be present in the body of a newborn child as a direct and  
1 23 foreseeable consequence of the act or omission. The term  
1 24 "newborn child" is defined to mean an infant who is three days  
1 25 of age or younger. Unless the presence of the illegal drug  
1 26 caused death or serious injury to the newborn child, the  
1 27 drug's presence is considered to have caused bodily injury to  
1 28 the child. A child endangerment offense that causes bodily  
1 29 injury to a child is punishable as a class "D" felony.

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